

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 2560
)	
PAUL BLUMBERG, D.O.)	FINDINGS OF FACT,
Holder of License No. 1597 for the)	CONCLUSIONS OF LAW
practice of osteopathic medicine)	AND BOARD ORDER FOR
in the State of Arizona.)	PROBATION
_____)	

This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") for final consideration and decision at the Board's public meeting held on April 29, 2000. Pursuant to its statutory authority at A.R.S. § 32-1855(E), the Board held an Informal Interview on April 29, 2000. During the course of these proceedings, Paul Blumberg, D.O. (hereinafter "Respondent") was present and was represented by legal counsel, Paul Crane.

Based upon Respondent's testimony and documentary evidence submitted to the Board, the board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is a licensee of the Board and the holder of License No. 1597.
2. On or about September 28, 1998 the Board received information alleging that Respondent had failed to return a fee for services not rendered and questionable care.
3. On or about December 18, 1999, the Board held an Informal Interview wherein the Respondent stated that he would refund the fee to the patient. Upon questioning regarding the history and physical performed on the patient, who had a heart condition, Respondent stated that he always performs histories and physicals before performing cosmetic surgery. The Board ordered the

Staff to perform of a review of Respondent's medical records for patients who had completed surgery. The review of medical records showed inadequate record keeping; to wit, while the patients filled out a medical history, no physical examinations were documented.

4. At the Board's April 29, 2000 open meeting, the Board heard testimony from Respondent. Respondent confirmed that prior to surgery he listened to a patient's heart and lungs, but did not notate such in the files. Respondent confirmed also that he either did not do any other physical examinations or did not notate such in a patient's file.

5. In public session the Board voted on April 29, 2000 that Respondent's license should be placed on a probationary status for random chart review to ensure that adequate histories and physicals are being performed on individuals having surgery performed and authorized the Board's Executive Director to sign and issue a Board Order regarding Respondent that follows hereinafter.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to enter into an order for disciplinary action against a license, pursuant to A.R.S. § 41-1063, A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

3. The Respondent engaged in unprofessional conduct as defined in A.R.S. § 32-1854 by violating federal and state statutes and regulations:

(6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the community standard.

(21) Failing or refusing to maintain adequate records on a patient.

(40) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Paul Blumberg, D.O. ("Respondent" be issued a **LETTER OF CONCERN** for lack of documentation in a patient's file.

2. Respondent shall comply with the following terms and conditions of this agreement:

2. Respondent's Board License Number 1597 will be placed under **PROBATION** for **TWO YEARS** and he shall comply with the terms and conditions of probation as set forth herein:

3. Respondent shall undergo random chart reviews by the Board's staff or designee.

The random chart review shall consist of a minimum of ten charts every three months. The chart reviews will insure appropriate record keeping including adequate histories and physicals being performed on patients having surgery performed.

5. In the event Respondent moves and ceases to practice medicine in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

6. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

7. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 1st day of May, 2000.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Ann Marie Berger
Ann Marie Berger, Executive Director
9535 E. Doubletree Ranch Road
Scottsdale AZ 85258
(480) 657-7703

Notice of Request for Rehearing:

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.90. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners in Medicine and Surgery within thirty (30) days. Specify in detail and with particularity at least one of the seven grounds that apply to your request for rehearing or review, as mandated by A.A.C. R4-22-106(C). A request for rehearing or review shall be a pre-requisite to exhaust your administrative remedies pursuant to A.R.S. § 41-1092.09.

Served by personal service or
sending U.S. certified mail
this 2nd day of May, 2000 to:

Paul Blumberg, D.O.
455 N. Mesa Dr., Suite 15
Mesa AZ 85201

Copy mailed this 2nd day of May, 2000 to:

Paul Crane
125 East Coronado
Phoenix AZ 85004

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007 (w/enclosure)

Susan J. Miller